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10 Attorneys for Defendants
 11 VELOCITY EXPRESS LEASING, INC.; AND
 12 VELOCITY EXPRESS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 PHILIP JONES, and KIM KEO,
 16 individually and on behalf of others
 17 similarly situated, and on behalf of the
 California general public,

18 Plaintiff,

19 v.

20 VELOCITY EXPRESS LEASING,
 21 INC., also known as VELOCITY
 EXPRESS LEASING WEST COAST,
 22 INC., a Delaware Corporation;
 VELOCITY EXPRESS, INC., a
 23 Delaware Corporation; and DOES I
 through 100, Inclusive,

24 Defendants.

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 FEB 1 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

Case No. C08-00773 VRW

**DECLARATION OF DAMON M.
 OTT REGARDING NOTICE TO
 STATE COURT OF DEFENDANTS'
 REMOVAL OF ACTION TO
 FEDERAL COURT**

Complaint Filed: November 6, 2007
 (Alameda County Superior Court)

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 DECLARATION OF DAMON M.
 OTT ISO REMOVAL

I, DAMON M. OTT, do hereby declare and state as follows:

1. I am an attorney with the law firm of Littler Mendelson, a Professional Corporation, counsel for Defendants Velocity Express Leasing, Inc. (erroneously also sued as an entity "also known as Velocity Express Leasing West Coast, Inc.") and Velocity Express, Inc. (collectively "Defendants") in the above-entitled matter. I am duly licensed to practice law in the State of California and before the United States District Court for the Northern District of California and am one of the attorneys responsible for representing Defendants in this action. All of the information contained herein is based upon my personal and first hand knowledge, unless otherwise indicated, and if called and sworn as a witness, I could and would competently testify thereto.

2. On February 1, 2008, pursuant to 28 U.S.C. §§ 1332(d), 1441(a) and 1446, I arranged for filing with the Clerk of the Superior Court of the State of California for the County of Alameda a Notice to State Court of Removal of Civil Action to Federal Court, together with a copy of the Notice to Federal Court of Removal of Civil Action from State Court, by causing said documents to be duly delivered to the Deputy Clerk of the Superior Court of the State of California for the County of Alameda.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 1st day of February 2008 in San Francisco, California.


DAMON M. OTT

DAMON M. OTT

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**DECLARATION OF DAMON M.
OTT ISO REMOVAL**